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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

**OUTERBRIDGE ACCESS ASSOCIATION,
SUING ON BEHALF OF DIANE CROSS;
and DIANE CROSS, An Individual,**

Plaintiffs,

v.

**MARIE CALLENDER'S PIE SHOPS,
INC. d.b.a. MARIE CALLENDER'S
#254; PACIFIC BAGELS, LLC d.b.a.
BRUEGGARS BAGELS; COURTYARD
HOLDINGS, LP; PSS PARTNERS, LLC;
AND DOES 1 THROUGH 10,
Inclusive,**

Defendants.

Case No.: 07cv2129 BTM (AJB)

PROOF OF SERVICE VIA ECF

[Fed.R.Civ.P. 6(e)]

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 3033 Fifth Avenue, Suite 410, San Diego, California, 92103.

On this date, I served the following document(s) described as NOTICE OF MOTION AND MOTION TO AMEND THE ORIGINAL COMPLAINT; PLAINTIFFS POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION TO AMEND THE ORIGINAL COMPLAINT; DECLARATION OF MICHELLE L. WAKEFIELD IN SUPPORT OF PLAINTIFFS' MOTION TO AMEND THE ORIGINAL COMPLAINT; and [PROPOSED] FIRST AMENDED COMPLAINT on all Defendants in this action:

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MARIE CALLENDER'S #254

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BAGELS

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ATTORNEY FOR DEFENDANT COURTYARD HOLDINGS, LP

X BY ELECTRONIC SERVICE TRANSMISSION via the United States District Court, Southern Division of California, Case Management/Electronic Case Files, Filing System. I served a copy

1 of the above listed document(s) to the e-mail addresses of the
2 addressee(s) by use of email as identified and maintained
3 therein.

4
5 AND/OR BY:

6 _____ placing _____ the original _____ a true copy
7 thereof enclosed in sealed enveloped addressed as stated above.

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9 _____ **BY MAIL:** I am readily familiar with the firm's
10 practice of collection and processing correspondence for mailing.
11 Under that practice, it would be deposited with the U.S. Postal
12 Service on the same day with postage thereon fully prepaid,
13 mailed at San Diego, California, in the ordinary course of
14 business. I am aware that on motion of the party served, service
15 is presumed invalid if postal cancellation date or postage meter
16 date is more than one day after date of deposit for mailing in
17 affidavit.

18
19 _____ **BY FACSIMILE TRANSMISSION:** From FAX No. (619) 858-3646
20 to the facsimile numbers listed above on the mailing list. The
21 facsimile machine I used complied with Rule 6 (e), and no error
22 was reported by the machine.

23
24 _____ **STATE:** I declare under penalty of perjury, under the
25 laws of the State of California, that the foregoing is true and
26 correct.

1 X **FEDERAL:** I declare that I am employed in the office
2 of a member of the Bar of this Court, at whose direction this
3 service was made.
4

5 **EXECUTED** on December 28, 2007, at San Diego, California.
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Angela Payne
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